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HIGH COURT OF CHHATTISGARH, BILASPUR**WPS No. 8641 of 2019**

Mohammed Amjad Khan, S/o. Shri Mohammed Masud Khan, Aged About 32 Years, Posted As Assistant Teacher (L.B.) Government Primary Girls School Shaila, Block- Manora, District Jashpur, Civil And Revenue District Jashpur, Chhattisgarh.

---- Petitioner**Versus**

1. State Of Chhattisgarh Through Secretary, School Education Department, Mahanadi Bhawan, Mantralaya, New Raipur, Chhattisgarh.
2. The Director, School Education Department, Indrawati Bhawan, 4th Floor, New Raipur, Chhattisgarh.
3. The Collector Jashpur, District Jashpur, Chhattisgarh.
4. The District Education Officer Jashpur, District Jashpur, Chhattisgarh.
5. The Block Education Officer, Block Manora, District Jashpur, Chhattisgarh.

---- Respondents

For Petitioner : Mr. M.K.Sinha, Advocate

For Respondents/State : Mr. Avinash Singh, Panel Lawyer

Hon'ble Shri Justice Goutam Bhaduri**Order On Board****18.10.2019**

1. Grievance of the petitioner is that the petitioner has been transferred from the Government Primary Girls School Shaila, Block Manora, District Jashpur to Government Primary Girls School Bahmni, Block Pithora, District Mahasamund.
2. It is contended that though the petitioner has been transferred with the remark column "on his own request", however, the petitioner has not made any request; therefore, there is factual wrong exits. He submits

that the petitioner since is a Teacher of Panchayat, transfer to other District will affect his seniority. Consequently, the petitioner cannot be transferred out of the District, as it will affect his seniority.

3. Considering the fact that the petitioner has disputed the very fact that he has not opted for transfer but he has been transferred on his own accord, it appears that there is a factual dispute, which needs to be verified. Further, the grievance of the petitioner is that if he transferred, his seniority would be affected, it is also a matter to be considered as the petitioner claims to be a Teacher of Panchayat. Under the circumstances, the petitioner is directed to make a representation to the respondent No.1 within a period of 15 days from today and the respondent No.1, in turn, shall consider and decide the same at the earliest preferable within a further period of 45 days. Till then, the transfer of the petitioner shall not be given effect to, if it has not been carried out till date.
4. The writ petition accordingly stands disposed of.

Sd/-
(Goutam Bhaduri)
Judge

ashok